

REMARKS

Claims 1-37 are pending in this application. By this Amendment, claims 3, 14, 15, 29 and 30 are amended. No new matter has been added.

I. Drawing Objections

The Office Action requires that the drawings be translated from Japanese into English. The translated drawings will be submitted shortly.

Further, the Office Action states that Figs. 2, 23 and 48 should be labeled as --Prior Art--. Accordingly, Figs. 2, 23 and 48 are corrected by substitute sheets herein. Therefore, withdrawal of the drawing correction requirement is respectfully requested. (mv)

II. The Claims Satisfy the Requirements Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims, 3, 14, 15, 21, 29 and 30 under 35 U.S.C. §112, second paragraph for lack of proper antecedent basis. Accordingly, claims 3, 14, 15, 24 and 30 are amended to obviate this rejection. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

The Office Action rejects claim 10 under 35 U.S.C. §112, second paragraph for lack of proper antecedent basis. Applicants respectfully submit that "A second register" needs no antecedent basis because the claim language designates a first instance of the second register.

The Office Action further rejects claims 1-37 under 35 U.S.C. §112, second paragraph, as indefinite. Applicants respectfully submit that MPEP §2185 states that if a "mean or step-plus function" limitation recited in the claim is not supported by a corresponding structure, material or acts in the specification disclosure, a rejection under 35 U.S.C. §112, second paragraph, should be considered because the means limitation is considered in this instance as indefinite. However, we believe the claims of the present application are not indefinite. Specifically, the Office Action points to shift registers (11P), (12P), and (2P) as disclosed in the specification (page 45, lines 7-24). Therefore, the means

language in the claims is supported by corresponding structure, material, or acts in the specification disclosure, as admitted to by the Office Action. Therefore, claims 1-37 are not indefinite.

The Office Action also points to claim 21 specifically for being indefinite. Applicants respectfully disagree. The Office Action asserts that "the later of the M threshold data" is not defined by the claim, and the specification does not provide a standard for ascertaining the requisite degree. However, "the later of the M threshold data" is definite in view of the recited features of claim 21, such as the S'th threshold data piece. For example, the claim language "the number of the S'th threshold data piece and the later of the M threshold data pieces is less than P" may be expressed mathematically using elements of claim 21 as follows: $(M - S'th) < P$. Support for ascertaining the requisite degree of "the later of the M threshold data" may be found in the specification, pages 31-33 and Fig. 8. Therefore, Applicants respectfully submit that claim 21 is not indefinite.

III. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1, 13, 14 and 18 under 35 U.S.C. §102(e) over U.S. Patent No. 6,512,596 B1 to Lapstun. This rejection is respectfully traversed.

Although the Office Action is correct in asserting that the prior art date of the reference is determined under 35 U.S.C. §102(e) prior to the amendment by the AIPA, Applicants respectfully submit that the Office Action misunderstood the examination guidelines for a §102(e) reference. The Office Action incorrectly states that Lapstun would receive the foreign application priority date of November 9, 1998. However, under a correct analysis of 35 U.S.C. §102(e), Lapstun's prior art date is the U.S. filing date of November 9, 1999. The present application was filed September 8, 1998. Therefore, Applicants respectfully submit that the Office Action's §102(e) rejection is invalid.

The Office Action rejects claims 2 and 15 under 35 U.S.C. §103(a) over U.S. Patent No. 6,512,596B1 to Lapstun. This rejection is respectfully traversed.


For reasons similar to those set forth with respect to the §102(e) rejection, Applicants respectfully submit that the Office Action's §103(a) rejection is invalid.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-37 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


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JAO:JFH/ale

Attachment:
Replacement Sheets

Date: August 25, 2003

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